

CAUSE NO: CL-19-2292-H

CHRISTOPHER ROBERT BARRERA § IN THE COUNTY COURT
v. § AT LAW NO. _____
CITY OF PALMVIEW § HIDALGO COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION WITH DISCOVERY REQUESTS
& JURY DEMAND**

NOW COMES, CHRISTOPHER ROBERT BARRERA, Plaintiff herein, and files this, his Original Petition With Discovery Requests & Jury Demand, and would show unto the court as follows:

Section 1

Discovery Control Plan

1.01 This case is filed pursuant to Section 190.4 (Level 3) of the Texas Rules of Civil Procedure.

Section 2

Parties

2.01 Plaintiff, CHRISTOPHER ROBERT BARRERA, (hereinafter referred to as "Plaintiff") is a resident of Palmview, Hidalgo County, Texas.

2.02 Defendant, **CITY OF PALMVIEW** (hereinafter referred to as "City of Palmview" or "Defendant" or "Employer") is a Texas governmental entity, and can be served with process by serving the City Secretary at the following address:

CL-19-2292-H

Annette Villarreal
400 W. Veterans Blvd.
Palmview, Texas 78572

Section 3

Jurisdiction & Venue

3.01 Subject matter jurisdiction exists in this case because the amount in controversy exceeds minimal jurisdictional limits of this Court.

3.02 The incident made the basis of this lawsuit occurred in Palmview, Hidalgo County, Texas. As such, venue is proper in Hidalgo County.

3.03 Plaintiff seeks to recover all of his damages in an amount which the jury determines to be just and appropriate, based on the jury's discretion and judgment in its role as the trier of fact. In order to comply with the Supreme Court's requirement to state the range of damages, pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff pleads that he anticipates at this time that the amount of damages he will request the jury to assess at trial will be more than \$200,000.00 but not more than \$1 million.

Section 4

Exhaustion of Administrative Remedies

4.01 Plaintiff timely filed a Charge of Discrimination with the Texas Workforce Commission Civil Rights Division on June 20, 2018. See **Exhibit "A"** attached hereto.

4.02 On or about March 6, 2019, Plaintiff received the Notice of Dismissal and Right to File a Civil Action from the Texas Workforce Commission Civil Rights Division. See **Exhibit "B"** attached hereto.

CL-19-2292-H

Section 5

Facts

5.01 Plaintiff, Christopher Robert Barrera ("Chief Barrera"), was employed by Palmview for approximately 23 years. Defendant, City of Palmview, terminated Chief Barrera based on false reasons. Defendant terminated Chief Barrera after he complained on March 16, 2018, of sexual harassment by City Manager Leonardo Olivares. Chief Barrera complained to Palmview Mayor Jerry Perez. Just weeks later, on or about April 23, 2018, Chief Barrera was terminated. His termination was retaliatory.

5.02 At the time of his termination, Chief Barrera was age 47 (01/02/1971) at the time. Plaintiff also brings suit because his termination was motivated by unlawful age and gender/sex discrimination. Based on information and belief, Chief Barrera was replaced by a younger male. Younger employees benefits from better terms and conditions of work, including severance, than the Chief.

Section 6

Causes of Action

6.01 Texas Labor Code Chapter 21. Plaintiff asserts that Defendant violated Chapter 21 of the Texas Labor Code in that his termination was motivated by unlawful discrimination. Plaintiff seeks compensatory damages under Chapter 21.2585 of the Texas Labor Code. Furthermore, Plaintiff seeks costs, attorney's fees, including compensation for reasonable expert fees, under Chapter 21.259 of the Texas Labor Code.

6.02 Adverse Personnel Actions. The employment harms as contained in include: Discharge, Severance Pay, Terms & Conditions and Wages. The legal bases for the harms are contained in below in bold.

CL-19-2292-H

6.03 Plaintiff incorporates by reference the facts contained above, alleging the following causes of action which were motivated by unlawful age and gender discrimination based on Tex. Lab. Code §21.051, including: (1) Defendant's discharge was unlawful, (2) Defendant discriminated against Plaintiff "in any other manner in connection with compensation or the terms, conditions or privileged of employment"; (3) Defendant "limited, segregated and classified" Plaintiff "in a manner that deprived or tended to deprive him of employment opportunity;" and Defendant "limited, segregated and classified" Plaintiff "in a manner that adversely affected Plaintiff's status as Chief of Police."

Section 7

Controlling Authority

7.01 An employer commits an unlawful employment practice if because of race, color, disability, religion, **sex**, national origin, or **age** the employer:

- (1) fails or refuses to hire an individual, **discharges an individual, or discriminates in any other manner against an individual** in connection with compensation or the terms, conditions, or privileges of employment; or
- (2) **limits, segregates, or classifies an employee** or applicant for employment in a manner that would **deprive or tend to deprive an individual of any employment opportunity or adversely affect in any other manner the status of an employee.**

Section 8

Damages

8.01 As a result of acts and/or omissions as set forth above, Plaintiff sustained the following damages, including but not limited to:

CL-19-2292-H

- (a) Back Pay;
- (b) Interest on back pay;
- (c) Compensatory damages, including future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses;
- (d) Punitive damages;
- (e) Front Pay;
- (f) Interest on Front Pay;
- (g) Pre-judgment interest;
- (h) Post- judgment interest;
- (i) Cost of court/suit;
- (j) Reasonable expert fees; and
- (k) Attorney's fees.

Section 9

Jury Trial

9.01 Concurrent with the filing of his Original Petition, Plaintiff applied for trial by jury and tendered the jury fee required by TEX. R. CIV. P. 216.

Section 10

Exhibits

EXHIBIT A Employment Discrimination Complaint Form;

EXHIBIT B Notice of Dismissal and Right to File a Civil Action; and

EXHIBIT C Plaintiff's First Set of Interrogatories, Requests for Production, Requests for Admission & Requests for Disclosure to Defendant.

CL-19-2292-H

Section 11

Prayer

11.01 WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant, **CITY OF PALMVIEW**, be cited to appear and answer in this cause, and that upon final trial hereof, Plaintiff recovers judgment against Defendant for him actual damages in amounts within the jurisdictional limits of this Court, for all damages respectively sustained by him as set forth above together with pre-judgment interest thereon at the maximum legal or equitable rate; for post-judgment interest on the amount of the judgment at the maximum rate allowed by law; for recovery of costs of court; and for such other and further relief, at law or in equity, to which he may show himself justly entitled.

Respectfully submitted,

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/s/ Mauro F. Ruiz
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